

**TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, September 23, 2014
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516**

I. CALL MEETING TO ORDER

Mayor Harris called the September 23, 2014 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

Roll Call:	Trustee Carroll	Present
	Trustee Schutt	Present
	Mayor Pro Tem Gruber	Present
	Trustee Moore	Present
	Trustee Charles	Present
	Trustee Woog	Present
	Mayor Harris	Present

III. APPROVAL OF THE AGENDA

Action: Mayor Harris moved to approve the September 23, 2014 Agenda moving IV. Consent item d. to VII Resolutions item g and the addition of item c. Budget Study Session to IX. General Business; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

IV. CONSENT AGENDA

- a. Approval of the September 9, 2014 Special Meeting Minutes
- b. Approval of the September 9, 2014 Meeting Minutes
- c. Ordinance 31-2014; An Ordinance Authorizing the Town Of Erie, Colorado, to Sell Tract D, Orchard Glen Filing No. 2 at Meadow Sweet Farm to the Orchard Glen Homeowners Association, Inc. as Authorized by the Voters of the Town Of Erie; And, Setting Forth Details in Relation Thereto.

Action: Mayor Pro Tem Gruber moved to approve the September 23, 2014 Consent Agenda as amended; the motion was seconded by Trustee Moore. The motion carried all present voting in favor thereof.

V. PUBLIC COMMENT

There was no one wishing to make Public Comment.

VI. PROCLAMATIONS AND PRESENTATIONS

Briggs Gamblin, Director of Communications and Legislative Policy and Jim Reed, Board of Education Member for the Boulder County School District requested support for their upcoming Ballot Issue 3A.

VII. RESOLUTIONS

a. Resolution 14-101; A Resolution Awarding a Construction Contract for Coal Creek Trail-Bonnell Connection

Gary Behlen, Director of Public Works presented staff recommendations for the approval of Resolution 14-101. The 2014 Capital Budget includes funds for the design and construction of the Coal Creek Trail Access Connection at Bonnell Avenue. The design contract was awarded to Loris and Associates at the June 10, 2014 Board Meeting. An open house was held at our Leon A. Wurl Service Center on July 9, 2014 to seek input from residents. This trail connection includes a pedestrian bridge crossing of Coal Creek and will connect the trail system on the east side of Coal Creek to the trail system in Erie Commons and the sidewalks on Bonnell Avenue. The construction of the new parking lot at the Leon A. Wurl Service Center is complete, and provides parking and can also be used as a trail head for this important trail connection. An Invitation to bid was posted on the Town's website on August 13, 2014 to ensure that local contractors were notified about this project. No Erie contractors submitted bids. The low bidder is 53 Corporation, LLC. They are located in Castle Rock, Colorado, and were incorporated in the State of Colorado in 1998. 53 Corporation, LLC has worked successfully with the Town on the Drop Structure and Pedestrian Bridge Repair project that was needed due to the 2013 September flood. Town staff has developed a good working relationship with 53 Corporation, LLC. In addition to working for the Town, 53 Corporation, LLC, has successfully completed projects for Urban Drainage and Flood Control District, Arapahoe County Water and Wastewater Authority, and the Town of Castle Rock. Staff has reviewed 53 Corporation, LLC's qualifications and found them to be acceptable. Staff is recommending awarding the construction contract for the Coal Creek Trail Access Connection at Bonnell Avenue to 53 Corporation, LLC.

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-101; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

Roll Call:	Trustee Schutt	Yes
	Trustee Woog	Yes
	Trustee Moore	Yes
	Trustee Charles	Yes
	Mayor Pro Tem Gruber	Yes
	Trustee Carroll	Yes
	Mayor Harris	Yes

b. Resolution 14-106; A Resolution Approving the Purchase of a 2015 International Dump Truck With Sander and Plow

Gary Behlen, Director of Public Works presented staff recommendations for the approval of Resolution 14-106. The 2014 Operating Budget includes the purchase of a new dump truck to replace Unit #110 which was approved in the supplemental budget. Currently Unit 110 has been out of service since April 2014 due to broken parts, cracked frame, hydraulic ram and rust causing unsafe vehicle operations.

RESOLUTIONS (continued)

\$210,000 is budgeted for the purchase of a 2015 International Dump Truck. The Town received the State Bid to McCandless International with a Base Bid Price is \$89,314 for the cab and frame only. This unit will be replacing one of our snowplow units; therefore it is necessary to equip the new unit with, hydraulics, snow plow, dump box, sander with saddle tanks. The Town received the State Bid to OJ Watson for \$97,306 for this equipment. The total cost for this unit is \$186,620.

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-101; the motion was seconded by Trustee Woog. The motion carried with the following roll call vote:

Roll Call:	Trustee Schutt	Yes
	Trustee Woog	Yes
	Trustee Moore	Yes
	Trustee Charles	Yes
	Mayor Pro Tem Gruber	Yes
	Trustee Carroll	Yes
	Mayor Harris	Yes

c. Resolution 14-107; A Resolution Approving a CDOT Grant Agreement Amendment

Russell Pennington, Deputy Public Works Director presented staff recommendations for Resolutions 14-1-7; Resolution 14-108 and Resolution 14-110. As part of the A3 Connector and the East Connector construction projects at the Erie Municipal Airport in 2009, drainage improvements were constructed as part of the overall project. One of the drainage improvements was constructed off of airport property on Lot 9, Block 4. In discussion with the property owner, the improvements have made mowing and maintaining this portion of his property difficult. As part of the 2013 Taxiway Lighting Project, the contractor has been asked to make modifications to this property to enable the property owner to maintain his property as well as to still meet the drainage requirements. The project will re-grade a small portion of ground on the southeast side of the east connector, remove a portion of storm pipe, and install an inlet. This project is intended to improve the drainage in this area, locate all storm facilities on the airport property and reduce and potentially eliminate erosion on the adjacent property. Aviation, the Town's FAA approved airport consultant for the Taxiway Lighting Project, along with Jason Hurd and Town Staff has coordinated the work with the contractor, the FAA, and the Colorado Department of Transportation-Aeronautics Division (CDOA). The FAA and CDOA has approved the project and will provide the Town grants to perform the work. The work will be funded using a combination of a grant from the FAA (90%), Colorado Division of Aeronautics (CDOA) (5%), and the Town of Erie (5%). The grant amounts are listed below. Staff has obtained a Temporary Construction Easement from the adjacent property owner in order to be able to work on his property. This easement was approved by the BOT in December of 2013. The \$30,000 FAA Grant was approved by the Board of Trustees at the September 9, 2014 Board Meeting. The \$30,000 FAA Grant was approved by the Board of Trustees at the September 9, 2014 Board Meeting. The Aeronautics Contract Amendment does the following: Amends the actual CDOA dollar amount spend on the 2013 Taxiway Lighting Project and Allocates \$1,666.00 for the 5% match for the FAA Grant for the Drainage Project at Elk Staff is recommending acceptance of the Aeronautics Contract Amendment and authorizing the Director of Public Works to execute said agreement.

RESOLUTIONS (continued)

d. Resolution 14-108; A Resolution Approving Revision One to Amendment No.4 to the Contract with Jviation, Inc.

The Aeronautics Contract Amendment which allocates CDOA funds to the project in the amount of \$1,666 is in front of you tonight for approval. Jviation has researched ownership in this area, prepared construction drawings, negotiated and coordinated with the contractor, FAA, and CDOA, attended meetings with the homeowner, and will provide construction management for the project. Jviation has agreed to perform this work for \$9,000. Staff is recommending awarding the Amendment to Jviation, Inc. and authorize the Director of Public Works to execute said agreement.

e. Resolution 14-110; A Resolution Approving Supplemental Agreement No. One with Airfield Western LLC

Airfield Western has given the Town a price of \$19,204.87 to perform the drainage work. Jviation along with Staff has reviewed this price. Staff is recommending awarding the Supplemental Agreement No. 1 to Airfield Western and authorizing the Director of Public Works to execute said agreement. The need for new appropriation for this project is due to an accidental omission of funds during the supplemental roll-over of 2013 funds into the 2014 budget.

Action: Trustee Charles moved to approve Resolution 14-107; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:

Roll Call:	Trustee Schutt	Yes
	Trustee Woog	Yes
	Trustee Moore	Yes
	Trustee Charles	Yes
	Mayor Pro Tem Gruber	Yes
	Trustee Carroll	Yes
	Mayor Harris	Yes

Action: Trustee Charles moved to approve Resolution 14-108; the motion was seconded by Trustee Carroll. The motion carried with the following roll call vote:

Roll Call:	Trustee Carroll	Yes
	Trustee Schutt	Yes
	Mayor Pro Tem Gruber	Yes
	Trustee Moore	Yes
	Trustee Charles	Yes
	Trustee Woog	Yes
	Mayor Harris	Yes

RESOLUTIONS (continued)

Action: Trustee Woog moved to approve Resolution 14-110; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with the following roll call vote:

Roll Call:	Trustee Schutt	Yes
	Trustee Woog	Yes
	Trustee Moore	Yes
	Trustee Charles	Yes
	Mayor Pro Tem Gruber	Yes
	Trustee Carroll	Yes
	Mayor Harris	Yes

f. Resolution 14-111; A Resolution in Support of Boulder Valley School District Ballot Measure 3A on the November 4, 2014 General Election Ballot

Action: Mayor Pro Tem Gruber moved to approve Resolution 14-111; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

g. Resolution 14-109; A Resolution Approving the Change Order to Fiore & Sons For Repair Work to the North Water Reclamation Facility Reuse Reservoir

Gary Behlen, Director of Public Works presented staff recommendations for the approval of Resolution 14-109. The North Water Reclamation Facility Reuse Reservoir repair project was one of the projects originally identified as part of the FEMA recovery effort, 75% funded by FEMA 12.5% funded by the State of Colorado and the Town will be responsible for 12.5% to make necessary repairs endured from the September 2013 flooding. The original contract work in the amount of \$329,100, consisted of repairs that included removal of material, repair of breach, and repair of damage to bank and liner in multiple areas and was awarded to Fiore and Sons at the January 14, 2014 board meeting. After the original repair work was completed, the hydrologic conditions, adjacent to the reservoir are such that the reservoir could not be completely sealed. Town Staff hired Deere and Ault Consultants to review the current hydrologic conditions. Deere and Ault recommended additional work to seal the reservoir to meet the State Dam Engineer's specifications. This change order is to pay for the additional work.

Action: Trustee Moore move to approve Resolution 14-109; the motion was seconded by Trustees Charles. The motion carried with the following roll call vote:

Roll Call:	Trustee Carroll	Yes
	Trustee Schutt	Yes
	Mayor Pro Tem Gruber	Yes
	Trustee Moore	Yes
	Trustee Charles	Yes
	Trustee Woog	Yes
	Mayor Harris	Yes

VIII. ORDINANCES

PUBLIC HEARING

- a. **Ordinance 33-2014; An Ordinance of the Town Of Erie, Colorado Rezoning the Sierra Vista Property Pursuant to the Petition of the Owner Thereof, from HR – High Density Residential and CC – Community Commercial to LR – Low Density Residential and CC – Community Commercial; and Providing for the Effective Date of this Ordinance; and Setting Forth Details in Relation Thereto**

Todd Bjerkaas, Planner, presented staff recommendations for the approval of Ordinance 33-2014. Staff finds the application in compliance with the Rezoning approval criteria and recommends the Board of Trustees approve the Sierra Vista Rezoning application by approving Ordinance 33-2014 at the Second Reading on Tuesday, October 14, 2014. The Planning Commission held a public hearing for the Rezoning request on September 3, 2014. The Planning Commission recommended approval of the Rezoning by approving Resolution P14-17, with the following conditions: Technical corrections to the Sierra Vista Zoning Map shall be made to the Town's satisfaction. Mayor Harris opened the public hearing.

Action: Mayor Harris gave the following oath to persons wishing to address the Board of Trustees on this matter: Do you swear or affirm that the evidence and testimony that you are about to give is true?"

Applicant Presentation:

Carl Nelson, Calibre Engineering, applicant presented his request and was available for questions.

PUBLIC COMMENT

Jason Hurd-on behalf of Erie Municipal Airport.

Action: Following Board discussion Mayor Harris closed the Public Hearing for Ordinance 33-2014 and it will be brought back for Board action at the October 14, 2014 Regular Meeting of the Town of Erie Board of Trustees.

.IX. GENERAL BUSINESS

- a. **Vista Ridge Sketch Plan Review**

Vista Ridge Filing No. 14 Sketch Plan Review - A Sketch Plan represents a generalized land use plan and layout for the area proposed to be included within a subdivision. Sketch Plan is required to allow early, informal evaluation of a proposed subdivision before detailed planning and engineering work has been undertaken and before substantial expenses have been incurred by the applicant.

Action: Board of Trustees reviewed sketch plan.

GENERAL BUSINESS (continued)

b. Letter of Support for Boulder County's TIP Application/Isabelle Road Shoulders

The Boulder County Commissioners have requested the Town of Erie's support for Boulder County's TIP application to fund bikeable shoulders on Isabelle Rd. The Valmont/Isabelle corridor is a key regional transportation corridor that connects the Town of Erie with the City of Boulder. Isabelle Rd is the last segment of this corridor that is lacking a separate space for bicyclists and the provision of shoulders would greatly improve the attractiveness of bicycling as a commuting alternative on this corridor. This project would also increase safety for motorists as shoulders would eliminate the need for motorists to cross the centerline in order to safely pass bicyclists. Providing separate and convenient bicycling facilities in this corridor is critical to providing alternatives to driving.

Action: It was the general consensus of the Board to approve a letter of support.

c. Budget Study Session

Steve Felten, Director of Finance presented updates to the proposed 2015 Budget.

X. BOARD OF TRUSTEES REPORTS

Trustee Charles congratulated the Erie Historical Society on Biscuit Day and asked Chief Vasquez about traffic issues at WCR 5 and Erie Parkway, the four-way stop near the high school, the Chief gave the Board a brief summary of the actions they will be taking in this area to mitigate some of the issues.

Mayor Pro Tem Gruber asked about the status of the Compass Subdivision and reported on a recent Highway 7 Coalition and Denver Economic Council Site Selection Breakfast he attended.

Mayor Harris noted that Boulder County Commissioners would like the Town's support on two ballot issue and will be giving the Board a brief presentation. Mayor Harris indicated she would like to hear more information from Jason Hurd the Airport Manager.

XI. EXECUTIVE SESSION

EXECUTIVE SESSION for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically to discuss negotiations regarding potential and ongoing economic development within the Town; and, for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning an offer of litigation settlement.

Action: Mayor Pro Tem Gruber moved to go into Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically to discuss negotiations regarding potential and ongoing economic development within the Town; and, for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning an offer of litigation settlement. The motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

EXECUTIVE SESSION (continued)

Mayor Harris announced its Tuesday, September 23, 2014 and the time is 9:34 p.m. For the record, I am the presiding officer, Mayor Tina Harris. As required by the Open Meetings Law, this executive session is being electronically recorded.

Also present at this executive session were the following persons:

Mayor Pro Tem Mark Gruber; Trustees Jennifer Carroll, Scott Charles, Dan Woog, Janice Moore and Waylon Schutt and; Town Administrator A.J. Krieger, Public Works Director Gary Behlen, Community Development Director Marty Ostholthoff; and Town Attorney Mark Shapiro;

This was an executive session for the following purpose:

SESSION for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); specifically to discuss negotiations regarding potential and ongoing economic development within the Town; and, for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b); specifically, to receive legal advice concerning an offer of litigation settlement.

Upon completion of the Executive Session, Mayor Harris announced that the time is now 10:43 p.m. and the executive session has been concluded. The participants in the executive session were:

Mayor Tina Harris; Mayor Pro Tem Mark Gruber; Trustees Jennifer Carroll, Scott Charles, Dan Woog, Janice Moore and Waylon Schutt and; Town Administrator A.J. Krieger, Public Works Director Gary Behlen, Community Development Director Marty Ostholthoff; and Town Attorney Mark Shapiro;

For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I would ask that you state your concerns for the record.

Hearing none, Mayor Harris moved to the next agenda item.

XII. ADJOURNMENT

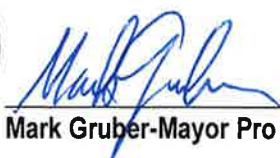
Action: Trustee Schutt moved to adjourn the September 23, 2014 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Action: Mayor Harris adjourned the September 23, 2014 Regular Meeting of the Town of Erie Board of Trustees at 10:44 p.m.

Respectfully Submitted,


Nancy J. Parker, CMC, Town Clerk




Mark Gruber-Mayor Pro Tem